

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE**

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SNMP RESEARCH, INC. and SNMP :  
RESEARCH INTERNATIONAL, INC., :  
Plaintiffs, : Case No. 3:20-cv-00451-CEA-DCP  
v. : U.S. District Judge Charles E. Atchley  
:  
BROADCOM INC.; BROCADE :  
COMMUNICATIONS SYSTEMS LLC; and :  
EXTREME NETWORKS, INC., :  
Defendants. :  
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**[PROPOSED] ORDER**

Before this Court is Extreme Networks, Inc.’s Motion to Refer Questions to the Register of Copyrights (the “Motion”). Having considered the parties’ briefs, all supporting documents and pleadings of record, and oral argument of counsel, and for good cause appearing,

IT IS HEREBY ORDERED that the Motion is GRANTED and that Extreme shall submit an unredacted duplicate copy of the papers in support of its Motion. The Clerk is directed to send these papers and this Order via email to 411filings@copyright.gov, as listed in 37 C.F.R. § 205.14, with the request that the Register of Copyrights advise the Court as to the following question pertaining to Plaintiffs SNMP Research, Inc.’s and SNMP Research International, Inc.’s (collectively, “SNMPR”) eight copyright registrations at issue in this matter:

Would the Register of Copyrights have rejected SNMPR’s following copyright registrations if it had known that the claimed software had been published prior to SNMPR seeking to register its works as unpublished: Registration No. TXu 1-706-718, registered

on January 25, 2011; Registration No. TXu 1-772-248<sup>1</sup>, on July 20, 2011; Registration No. TXu 1-772-250, on July 20, 2011; Registration No. TXu 1-738-956, on February 3, 2011; Registration No. TXu 1-707-158, on February 3, 2011; Registration No. TXu 1-738-954, on February 3, 2011; Registration No. TXu 1-707-157, on February 3, 2011; and Registration No. TXu 1-738-958, on February 3, 2011?

IT IS SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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THE HONORABLE CHARLES E. ATCHLEY, JR.  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> The first page of the registration certificate provided by SNMPPR with its Amended Complaint (ECF No. 244) shows the registration number as “TXu 1-722-248,” but subsequent pages show the registration number as “TXu 1-772-248.” (ECF No. 244-2 at 6-9.)